



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Friday, February 7, 2003
REGIONAL WATER QUALITY CONTROL BOARD

Friday, February 7, 2003, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on February 7, 2003, in the Conference Room of the Central Coast Regional Board Office, 895 Aerovista Place, Suite 101, San Luis Obispo, California.

1. Roll Call..... Executive Assistant Carol Hewitt

Board Members Present:

Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
John Hayashi
Russell Jeffries
Daniel Press
Marco Rizzo
Jeffrey Young

Absent: Donald Villeneuve

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs announced that Mr. Gary Carlton, State Board Liaison, will not be able to attend the meeting today due to a schedule conflict. Mr. Briggs listed Supplemental Sheets and Question and Answer items as follows: Item #4/Minutes replacement sheet, Item #8/MTBE Sites Supplemental Sheet, Item #9/Enforcement Report

Supplemental Sheet, Item #11/United Foods/Pictsweet Frozen Foods Q&A document, Item #12/Salinas Industrial Q&A document, Items #13-14/Los Osos CSD Supplemental Sheet, Item #16/Waivers for Timber Harvest Supplemental Sheet, Item #17/Morro Bay Sediment TMDL Q&A document, Item #23/Executive Officer's Report -- Olin Perchlorate Site Supplemental Sheet..

3. Regional Board Chair and Vice Chair Election.....Board Motion

MOTION: Russell Jeffries nominated Bruce Daniels for Board Chair. SECONDED by Daniel Press. CARRIED – Unanimously (8-0)

Chair Bruce Daniels presided over the meeting. Executive Officer Briggs presented the outgoing Chair Gary Shallcross with an "Esteemed" sweatshirt. Board

member Russell Jeffries thanked Gary Shallcross for doing a tremendous job as Chair.

MOTION: Russell Jeffries nominated Jeffrey Young for Vice Chair. No SECOND. CARRIED – Unanimously (8-0)

4. Approval of Minutes for December 13, 2002 Meeting.....Board Motion

MOTION: Russell Jeffries moved to approve the December 13, 2002 minutes with replacement page. **SECONDED** by Leslie Bowker. **CARRIED – Unanimously (8-0)**

5. Public ForumChair Daniels

- David Nelson/Resident Morro Bay – noted that power plant once-through cooling costs are disproportionate and has not been supported by scientific study. He believes once-through cooling should be eliminated.
- Richard Smith/Resident Morro Bay – noted that there is a disproportionate loss of larvae due to once-through cooling at the Morro Bay and Moss Landing power plants. He believes that dry cooling should be reconsidered.
- Colleen Johnson and Caryn Linn/ Dietitians and Residents San Luis Obispo County – raised concerns about food supply impacts due to once-through cooling method.
- Niki Moncrief/Sylvia Lauretti/Eric Johnson/Nelson Sullivan – presented petitions signed by individuals requesting protection of Morro Bay National Estuary from a new power plant using once-through cooling. The petitions request protection of the estuary by prohibiting diversion of water from the estuary if a new plant is approved. This is a concern to residents throughout the United States. Mr. Sullivan has notice periodic invasions of numerous jellyfish in the bay. At one time the power plant operation had to be stopped due to impingement of jellyfish.
- Pamela Heatherington/Executive Director Environmental Center of San Luis Obispo - thanked the Board for their efforts in the Creston and Santa Margarita area. She was concerned that the County contributes to the workload of the Regional Board by allowing grading/grubbing.
- Sarah Cristie/Creston – urged the Board to read the book, “Natural Capital”, by Paul Hawkin and Hunter Levins, which talks about how regulators and decision-makers can make analyses of how to protect public trust resources. She urged the Board to help bring land use practices at the County level into compliance with State law. She believes that civil penalties are the only way to prevent further damage.
- Al Barrow/Citizens for Affordable and Safe Environment – thanked the Board and its staff for its hard work in enforcing the Clean Water Act. Mr. Barrow discussed the shallow aquifer and the proposed “blending” of the shallow aquifer with the deep aquifer water in Los Osos.
- Jerry Vincent/U.S. Army Corps of Engineers – spoke regarding recent State Water Resources Control Board initiated cuts to the Department of Defense (DoD) budget. Mr. Vincent objected to the State initiated cuts and outlined how the loss of Regional Board staff oversight will lead to significant delays in clean up projects at the various military facilities
- Beatrice Kephart/Vandenberg Air Force Base – Ms. Kephart stated the Regional Board is under a binding agreement (Federal Facilities Site Remediation Agreement) to provide clean up oversight at Vandenberg Air Force Base.
- Jacquelyn Hulsey/Monterey Airport – Ms. Hulsey outlined how Regional Board staff involvement has been key to the success of ongoing investigation and clean up at Monterey Airport. Miss Hulsey also expressed concern over budget reductions to the Regional Board (DoD) budget.
- David Eisen/Fort Ord Project – expressed concern over reductions in the Regions DoD resources and spoke favorably of Regional Board staff. Mr. Eisen questioned the need to cut a federally funded program to address state budget problems.

Mr. Briggs reported that he met with all the military branches representatives and Celeste Cantu on Regional Board staff reductions. Ms. Cantu explained the rationale for the cuts: it made more sense to cut programs that were progressing with willing responsible parties, rather than programs on sites that were not functioning as well. Ms. Cantu did agree to take another look at the staff reductions and follow-up in a couple of weeks. Mr. Briggs responded to the other public forum comments by reporting that the erosion sites in North County have pending or issued enforcement actions. The Morro Bay Power Plant permit issue is not scheduled at this time pending a decision by the California Energy Commission, but the issues raised during public forum will be addressed by staff when the permit is before the Board.

6. Uncontested Items.....Board Motion

Chair Daniels requested to pull Item #11 off of the consent calendar and asked if any members of the

public wished to pull any other items. The items left on the consent agenda are Item Nos. 12, 15, and 17.

MOTION: Russell Jeffries moved to approve the consent calendar Item Nos. 12, 15, and 17. SECONDED by John Hayashi. CARRIED – Unanimously (8-0)

7. Low Threat Cases.....Information/Discussion

Executive Officer Briggs noted the following recommended dischargers for enrollment under the General NPDES Permit:

- City of Paso Robles Water Division
- Vandenberg AFB Harbor Dredge
- Pacific Union Apartments (cleaned up groundwater discharge to storm drain)
- Santa Barbara County Fueling Facility (cleaned up groundwater discharge to storm drain)

Mr. Briggs noted the following recommended discharger for waiver of waste discharge requirements:

- Former Beacon Station No. 37733, Prunedale, Monterey County

8. MTBE Sites.....Status Reports

Executive Officer Briggs noted that the regular MTBE report is provided. A supplemental sheet has also been provided to follow-up on a subcommittee consisting of Chair Daniels and Vice-Chair Young. The subcommittee was appointed to participate in a meeting with Santa Barbara County Supervisor Naomi Schwartz to discuss coordination on the County's oversight of clean-ups in our region. The County is funded by the State Board to perform that work. The County will continue to work on maintaining their database. The database will be revised to show monitoring frequency. Regional Board staff has

scheduled quarterly meetings with the County. Most of the County's sites are now fully defined. Chair Daniels asked about two new terms on the MTBE report: pollution characterization and verification monitoring underway. Staff member Jay Cano clarified the terms for the Board. Chair Daniels also asked about the cleanup status on a Tosco site and an EZ-Serve site in Santa Barbara County. Mr. Cano will get a written response from the parties and submit them to the Board.

9. Enforcement Report.....Status Report

Mr. Briggs said this is a written report only. A Supplemental Sheet provides additional information for the County of Santa Cruz overflow on January 6 and 14, the Pebble Beach Company, Templeton Community Services District, the City of Hollister, and the California Mens Colony. Mr. Larry Parlin, consultant for California Mens Colony, updated the Board on the institution. Construction delays on a new

sewer collection system project have contributed to the problems at the institution. CMC is working hard to implement measures to address collection system overflows.

Jim Perrine, City of Hollister, assured the Board that the City has a new program and is working aggressively to address overflow issues within the City.

10. Salinas School District, Monterey County.....Status Report
[Donette Dunaway 805/549-3698]

The Discharger waived the hearing and paid the Administrative Civil Liability amount. Board member Shallcross asked if the Discharger submitted their

annual report. Mr. Briggs will follow-up with the information. No action was taken by the Board.

11. United Foods, Pictsweet Frozen FoodsOrder No. 2003-0002
[Bob Hurford 805/542-4776]

This item was pulled off of the consent calendar due to questions from Chair Bruce Daniels. Chair Daniels asked staff member Bob Hurford how we can justify switching the Order from effluent limits to receiving water requirements when there is no way to confirm upgradient water quality and confirm the Discharger is in compliance with receiving water requirements. Effluent limits are measurable and enforceable numbers the Discharger is required to meet to stay in compliance with the Order and to protect water quality. Receiving water requirements are only effective if we can measure the impact to receiving water by collecting upgradient and downgradient samples and comparing the results.

Bob Hurford responded to the question by explaining the change was made based on the following rationale:
1) Receiving water requirements for Pictsweet (as

opposed to effluent limits) are consistent with other similar discharges in our Region; 2) The main disposal mechanisms for the waste stream are evapotranspiration and plant uptake (as opposed to percolation); 3) The discharge is actually reuse by growing fodder crop; 4) The water supply is from a higher quality deep aquifer and the receiving water is poor quality shallow groundwater; and, 5) Abundant shallow groundwater monitoring data from Pictsweet and neighboring facilities within the Santa Maria Valley sufficiently characterizes the receiving water quality. Based on that body of data, we can rely on effluent monitoring and disposal area groundwater monitoring to make a determination whether a potential adverse impact may exist, thereby ensuring compliance with the Order. Historical data indicates effluent quality is better than receiving water quality.

MOTION: Russell Jeffries moved to approve Order No. 2003-0002. SECONDED by Gary Shallcross. CARRIED – Unanimously (8-0)

(Chair Daniels announced a break at 10:00 a.m. The meeting reconvened at 10:15 a.m.)

13-14. Los Osos CSD Wastewater Facility, San Luis Obispo County Order Nos. 2003-0006 and 0007
[Gerhardt Hubner 805/542-4647 and Sorrel Marks 805/549-3695]

Board member Bowker recused from this item. Senior Engineering Geologist Gerhardt Hubner presented Findings of Mitigation and Mitigation Monitoring Order No. R3-2003-0006 and Waste Discharge/Recycled Water Requirements Order No. R3-2003-0007, for the Los Osos Community Services District Wastewater Facility, San Luis Obispo County. Mr. Hubner described the history of water quality problems, status of the wastewater project, overview of the proposed wastewater treatment process and disposal areas, highlights of the proposed requirements, and a summary and response to public comments received. Mr. Hubner pointed out the proposed addition of priority pollutant monitoring of the sentinel well downgradient of the primary disposal area to be added to the proposed Order. Mr. Hubner recommended adoption of Resolution No. R3-2003-0006 and Order No. R3-2003-0007.

Regional Board Chair Bruce Daniels asked if renaming the project a "recharge" project would require a change to the Waste Discharge/Recycled Water Requirements. Sanitary Engineering Associate Sorrel Marks stated that although the wastewater project is not a "recharge" project (as defined by Department of Health Services), the Waste Discharge/Recycled Water Requirements meet Department of Health Services (DHS) requirements for such projects.

Los Osos Community Services District Manager Bruce Buel supported adoption of Resolution No. R3-2003-0006 and Order No. R3-2003-0007. Mr. Buel stated that adoption of the Waste Discharge/Recycled Water Requirements is necessary to complete the design of the treatment facility. He requested that the Regional Board allow the Groundwater Technical Advisory Committee to develop long-term solutions to any water supply salts loading problems. Mr. Buel invited

Regional Board members to attend the Wastewater Project Open House in Los Osos on February 22, 2003.

Regional Board Member John Hayashi asked where backwash from the sand filtration process would be directed. Steve Hyland of Montgomery Watson Harza, engineering consultant to the wastewater project, stated that filter backwash would be directed to the influent of the wastewater treatment process.

Regional Board Member Russ Jeffries asked when the reclamation portion of the project would be implemented. Mr. Buel stated that timing for implementation of reclamation will be decided in April 2003.

- Los Osos Community Services District members Stan Gustafson and Frank Freiler supported adoption of the Orders.
- Nancy Orton of San Luis Obispo County Planning Department availed herself to answer any Regional Board questions.
- Los Osos resident Al Barrow acknowledged that nitrate levels have risen in Los Osos groundwater and objected to some aspects of the design of the wastewater treatment facility.
- Pandora Nash-Karner, former director of Los Osos Community Services District, supported adoption of the Orders.
- Los Osos resident Vivian McNeill supported adoption of the Orders.
- Mike Multari of Morro Bay National Estuary Program supported adoption of the Orders.
- Los Osos resident Julie Tacker requested that the wastewater project be considered a "recharge" project and read a letter from Mr. Toby Sacher opposing the project.

- John Brady of Cal-Cities Water Co., requested that the wastewater project be considered a "recharge" project.
- Los Osos residents Robert van't Riet and Boyd Lowe supported adoption of the Orders.
- Los Osos resident Cynthia Mulligan opposed the siting of the wastewater treatment facility.
- Los Osos resident George Taylor stated that all water quality problems must be fixed before additional population growth may occur.
- Los Osos resident and land planner Jeff Edwards supported the wastewater project and requested a "measured relaxation of the [septic system] prohibition" as the wastewater project is implemented.
- Denise Kruger of Cal Cities Water compared the Los Osos wastewater project to other wastewater projects and requested the Los Osos project be considered a "recharge" project.
- Gary Grimm, legal counsel to Los Osos Community Services District supported adoption of the Orders.
- Gerhardt Hubner pointed out in a series of rebuttal slides the differences between the Los Osos wastewater project and recharge projects Ms. Kruger (Cal Cities) presented.
- Jeff Stone, California Department of Health Services, was available in the audience to answer any questions, but did not testify.

Executive Officer Briggs highlighted staff's recommendations, responded to some of the comments against the project and recommended the Regional Board take action on Resolution No. R3-2003-0006 and Order No. R3-2003-0007.

MOTION: Russell Jeffries moved to adopt Order No. 2003-0006. SECONDED by Gary Shallcross. CARRIED – Unanimously (7-0) Note: Board member Bowker recused from the item.

MOTION: Gary Shallcross moved to adopt Order No. 2003-0007, with the recommended addition of priority pollutant monitoring of the sentinel well downgradient of the primary disposal area and amended findings detailed in the Supplemental Staff Report. SECONDED by Russell Jeffries. CARRIED – Unanimously (7-0) Note: Board member Bowker recused from the item.

(Chair Daniels announced a break for lunch and Closed Session at 11:30 a.m. The meeting reconvened at 1:10 p.m.)

(Mr. Briggs informed the Board, in answer to an earlier question from Mr. Shallcross, that the Salinas School District, Monterey County, did submit the report and was now in compliance regarding the enforcement action that is on today's agenda).

16. Negative Declaration and Categorical Waivers Related to Timber Harvest

Activities in the Central Coast Region.....Resolution No. 2003-0010
[Chris Adair 805/549-3761 and William Arkfeld 805/542-4627]

Senior WRCE Chris Adair presented this item and William Arkfeld assisted. Mr. Adair explained background information regarding the waiver including why a new general waiver is proposed and how the waiver will work.

Following the presentation, there was an extended discussion with numerous questions of staff by the Board members. The discussion included details of how the proposed waiver was developed, possible alternatives to the proposed waiver, what happens during a pre-harvest inspection, and a request by the Board members to go on a pre-harvest inspection. There was an extended discussion of the CEQA document that was prepared for the waiver. Several Board members felt that the project statement in the initial study was inadequate. Mr. Shallcross noted that the closing date for comments on the proposed waiver was inaccurate and that the error could be construed as a breach of procedure.

The public comment portion included the following presenters.

- Brian Staub of the US Forest Service explained how his agency manages timberland in the Region and details about monitoring. Mr. Staub supported the waiver but requested changes as proposed in his letter.
- Dennis Hall and Nancy Drinkard of the California Department of Forestry and Fire Protection explained their role as lead agency for timber harvesting. Mr. Hall expressed support for the proposed waiver, but also discussed problems with the waiver as proposed. Ms. Drinkard discuss the specific types of timber harvest operations that occur in the Santa Cruz Mountains. Ms Drinkard invited the Board to visit any timber harvest site they wish to see.
- Eric Huff, a registered professional forester, presented pictures of current timber harvest

operations in the Santa Cruz Mountains. He emphasized the fact that there is no clear cutting and that best management practices are utilized for all timber harvest plans.

- Six more Registered Professional Foresters made presentations, including Bob Berlodge David Van Lennep, Jim Hildreth, Gary Paul, Peter Twight, Bill Vaughan. All expressed support for the waiver, but also explained specific improvements that should be made before the waiver is finalized. Each of the Forester's presentations covered issues included in written comment letters they each submitted previously.
- Two members of the public, Kevin Collins and Dennis Davey, made presentations. Both objected to the waiver as proposed. Mr. Davey requested a moratorium on timber harvesting until the waiver is settled. He explained objections to the current regulation of timber harvesting including the inadequate width of the Watershed and Lake Protection Zone (WLPZ), declining salmonid populations, roads problems, cumulative impacts, and the need for more monitoring.

Executive Officer Briggs, made a recommendation not to adopt the proposed waiver because of problems with the proposed Negative Declaration.

The Board continued to discuss the proposed waiver.

The Board requested:

1. A field visit of some timber harvest sites,
2. An update regarding recent and planned Forest Practice Rule changes,
3. Staff to begin processing individual waiver requests to ensure that ongoing timber harvest activity is not unnecessarily disrupted.
4. Staff to bring back this item as soon as practical.

(Board member Hayashi left the meeting at 4:30 p.m.)

18. Land Disposal Unit [Michael LeBrun 805/542-4645] Status Report

A written report is provided.

(Chair Daniels announced a break at 4:55 p.m. The meeting reconvened at 5:00 p.m.)

19. Department of Defense Unit [Michael LeBrun 805/542-4645] Status Report

Executive Officer Briggs noted that the DoD 32% cut is currently being evaluated by the State Board. The Regional Board is triaging its resources so the military is slowed down minimally by the cut backs.

- Jerry Vincent, Army Corps of Engineers - Mr. Vincent further expanded on statements made at Public Comment earlier in the day. His comments

focused on objecting to reductions to the Regional Board's Department of the Defense program budget. Mr. Vincent submitted a copy of his statements. Mr. Vincent also recognized Regional Board staff member Grant Himebaugh for his hard work at the DoD Monterey Project.

20. Budget Priorities [Brad Hagemann 805/549-3697] Board Direction

Executive Officer Briggs summarized the written report and said the most important issue at this point is to be sure the Board concurs with the high priority items and lower priority items, as staff will be required

to make quick decisions while dealing with budget cuts. Board discussion indicated the recommendation was sound. Chair Daniels asked Mr. Shallcross to be the budget liaison for the Board.

(Board member Rizzo left the meeting at 5:15 p.m.)

22. Reports by Regional Board Members Status Report

Chair Daniels announced that Board member Daniel Press has written a book entitled "Open Space." Chair

Daniels also noted a book entitled "Silent Spill" that covers the oil spill at Guadalupe.

23. Executive Officer's Report Information/Discussion

Senior Engineer Harvey Packard presented a map showing the latest sampling results for the perchlorate pollution in the San Martin area. Mr. Packard mentioned he would be representing the Board at a

public meeting on February 12 and that staff would present an informational item regarding all Central Coast Region perchlorate sites at the March Regional Board meeting.

Chair Daniels adjourned the public meeting at 5:25 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its March 21, 2003 meeting in San Luis Obispo, California.

A handwritten signature in cursive script that reads "Bruce Daniels". The signature is written in dark ink and is positioned above a horizontal line.

Bruce Daniels, Chair